SECRET

unsealed

FILED

08 FEB 22 PM 3:35

SOUTHERN DISTRICT OF CALIF

BY: PQL DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

July 2007 Grand Jury

UNITED STATES OF AMERICA, Plaintiff, v. JOSE JESUS PERUCH SAENZ (1), aka George, aka G Unit, KARL DELEON MURRAH (2), RAMOND ANDREW DIZON (3), aka Andy, MAGGIE MARIA SIEBEN (4), MARK ALAN KOUNTZ (5), MICHAEL SHAUN TRACY (6), JOEL JOSHUA BANNING (7), Defendants.	Criminal Case No. '08 CR 0511 BEN I N D I C T M E N T Title 21, U.S.C., Secs. 846 and 841(a)(1) - Conspiracy to Distribute Oxycodone and Hydrocodone Bitartrate; Title 21, U.S.C., Sec. 841(a)(1) - Distribution of Oxycodone and Hydrocodone Bitartrate; Title 18, U.S.C., Sec. 2 - Aiding and Abetting; Title 21, U.S.C., Secs. 853(a), and 853(p) - Criminal Forfeiture

The grand jury charges:

INTRODUCTORY ALLEGATIONS

At all times pertinent to this Indictment:

1. Oxycodone was a Schedule II Controlled Substance that cannot be legally distributed without a proper medical prescription.

2. Hydrocodone bitartrate was a Schedule III Controlled Substance that cannot be legally distributed without a proper medical prescription.

TFS:em(xxx):San Diego
2/22/08

lvet

3. Defendant JOSE JESUS PERUCH SAENZ, was a pharmacy technician at Galloway Pharmacy in San Diego who is in charge of ordering pharmaceuticals, including oxycodone and hydrocodone bitartrate. Defendant JOSE JESUS PERUCH SAENZ, is not a licensed pharmacist and cannot legally distribute pharmaceuticals.

Count 1

CONSPIRACY TO DISTRIBUTE OXYCODONE AND HYDROCODONE BITARTRATE

[21 U.S.C. §§ 846 and 841(a)(1) and 18 U.S.C. § 2]

4. The Introductory Allegations contained at paragraphs 1 through 3 above are hereby re-alleged and restated.

THE MANNER AND MEANS OF THE CONSPIRACY

In furtherance of this conspiracy and to effect the objects thereof, defendants JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, KARL DELEON MURRAH, RAMOND ANDREW DIZON, aka Andy, MAGGIE MARIA SIEBEN, MARK ALAN KOUNTZ, MICHAEL SHAUN TRACY, JOEL JOSHUA BANNING, and others known and unknown to the grand jury, utilized the following manner and means among others:

5. Defendant JOSE JESUS PERUCH SAENZ, used his position as a pharmacy technician to order, obtain, and sell distributable quantities of oxycodone and hydrocodone bitartrate. Defendant JOSE JESUS PERUCH SAENZ sold distributable quantities of oxycodone and hydrocodone bitartrate to defendant KARL DELEON MURRAH and others for further distribution.

//

//

//

//

//

6. Defendant KARL DELEON MURRAH purchased distributable quantities oxycodone and hydrocodone bitartrate from defendant JOSE JESUS PERUCH SAENZ and sold those oxycodone tablets and hydrocodone bitartrate tablets to RAMOND ANDREW DIZON, MARK ALAN KOUNTZ, MICHAEL SHAUN TRACY, JOEL JOSHUA BANNING, and others, for further distribution.

7. Defendant RAMOND ANDREW DIZON purchased large distributable quantities of oxycodone and hydrocodone bitartrate from KARL DELEON MURRAH and distributed oxycodone and hydrocodone bitartrate to others within the Southern District of California and elsewhere for further distribution.

8. Defendant MAGGIE MARIA SIEBEN received large distributable quantities of oxycodone and hydrocodone bitartrate from defendant JOSE JESUS PERUCH SAENZ and distributed oxycodone and hydrocodone bitartrate to defendant JOEL JOSHUA BANNING and others for further distribution.

9. Defendant MARK ALAN KOUNTZ purchased large distributable quantities of oxycodone and hydrocodone bitartrate from KARL DELEON MURRAH and distributed oxycodone and hydrocodone bitartrate to others.

10. Defendant MICHAEL SHAUN TRACY purchased large distributable quantities of oxycodone and hydrocodone bitartrate from KARL DELEON MURRAH and distributed oxycodone and hydrocodone bitartrate to others.

11. Defendant JOEL JOSHUA BANNING purchased large distributable quantities of oxycodone and hydrocodone bitartrate from KARL DELEON MURRAH and distributed oxycodone and hydrocodone bitartrate to others.

//

//

//

CONSPIRACY TO DISTRIBUTE OXYCODONE AND HYDROCODONE BITARTRATE

12. Beginning on a date unknown to the grand jury and continuing up to the date of this Indictment, within the Southern District of California, and elsewhere, defendants JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, KARL DELEON MURRAH, RAMOND ANDREW DIZON, aka Andy, MAGGIE MARIA SIEBEN, MARK ALAN KOUNTZ, MICHAEL SHAUN TRACY, and JOEL JOSHUA BANNING, did knowingly and intentionally conspire together with each other and with other persons known and unknown to the grand jury to distribute oxycodone tablets, a Schedule II Controlled Substance, and hydrocodone bitartate tablets, a Schedule III Controlled Substance; in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and Title 18, United States Code, Section 2.

Count 2

DISTRIBUTION OF HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

13. The Introductory Allegations contained at paragraphs 1 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby re-alleged and restated.

14. On or about May 4, 2006, within the Southern District of California and elsewhere, defendants JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, KARL DELEON MURRAH, RAMOND ANDREW DIZON, aka Andy, and others known and unknown to the grand jury did knowingly and intentionally distribute approximately 7,071 hydrocodone bitartrate tablets, a Schedule III Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

//

Count 3

DISTRIBUTION OF HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

15. The Introductory Allegations contained at paragraphs 1 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby re-alleged and restated.

16. On or about February 3, 2007, within the Southern District of California, defendants JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, KARL DELEON MURRAH, and others known and unknown to the grand jury did knowingly and intentionally distribute approximately 30 hydrocodone bitartrate tablets, a Schedule III Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Count 4

DISTRIBUTION OF HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

17. The Introductory Allegations contained at paragraphs 1 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby re-alleged and restated.

18. On or about February 20, 2007, within the Southern District of California, defendants JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, KARL DELEON MURRAH, and others known and unknown to the grand jury did knowingly and intentionally distribute approximately 2,021 hydrocodone bitartrate tablets, a Schedule III Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

//

//

Count 5

DISTRIBUTION OF HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

19. The Introductory Allegations contained at paragraphs 1 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby re-alleged and restated.

20. On or about March 8, 2007, within the Southern District of California, defendants JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, KARL DELEON MURRAH, and others known and unknown to the grand jury did knowingly and intentionally distribute approximately 2,000 hydrocodone bitartrate tablets, a Schedule III Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Count 6

DISTRIBUTION OF HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

21. The Introductory Allegations contained at paragraphs 1 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby re-alleged and restated.

22. On or about July 16, 2007, within the Southern District of California, defendants JOSE JESUS PERUCH SAENZ, aka George, aka G Unit, KARL DELEON MURRAH, and others known and unknown to the grand jury did knowingly and intentionally distribute approximately 6,000 hydrocodone bitartrate tablets, a Schedule III Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

//

//

FORFEITURE ALLEGATIONS

1. The allegations contained in Counts 1 through 6 are realleged and by reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America.

2. As a result of the commission of the felony offenses alleged in Counts 1 through 6 said violations being punishable by imprisonment for more than one year, and pursuant to Title 21, United States Code, Section 853(a)(1), defendants JOSE JESUS PERUCH SAENZ, KARL DELEON MURRAH, and RAMOND ANDREW DIZON shall, upon conviction forfeit to the United States, all rights, title, and interest in any and all property obtained directly or indirectly as a result of said violations. All in violation of Title 21, United States Code, Section 853.

3. As a result of the commission of the felony offenses alleged in Counts 1 through 6, said violation being punishable by imprisonment for more than one year, and pursuant to Title 21, United States Code, Section 853(a)(2), defendants JOSE JESUS PERUCH SAENZ, KARL DELEON MURRAH, and RAMOND ANDREW DIZON shall, upon conviction forfeit to the United States, all rights, title, and interest in any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations alleged in Counts 1 through 6 of this Indictment. All in violation of Title 21, United States Code, Section 853.

//

//

//

//

//

//

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendants –

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of the defendants up to the value of said property listed above as being subject to forfeiture.

DATED: February 22, 2008.

A TRUE BILL:

Foreperson

KAREN P. HEWITT
United States Attorney

By:
TIMOTHY F. SALEL
Assistant U.S. Attorney